

INFORMATION LETTER

NATIONAL CANNERS ASSOCIATION

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N.C.A. Files Statement Opposing Kennedy Wage-Hour Bill; Administration Proposes No Change in Seasonal Exemptions

As hearings neared a close on the Kennedy wage-hour bill, S. 1046, strong opposition to the proposed legislation was presented by a number of groups, including N.C.A. and the Secretary of Labor.

N.C.A.'s brief, filed May 22 with the Senate Labor Subcommittee, pointed out that Congress has never intended to bring seasonal industries under the overtime pay provisions of the Fair Labor Standards Act and that it would be unwise to do so now. The 40-hour maximum workweek, N.C.A. told the Subcommittee, was written into the Act to spread employment and to establish a year-round workweek for as many employees as possible. The theory of spreading work by requiring the payment of penalty overtime, N.C.A. asserted, was founded on the assumption that two basic conditions existed: (1) employers can control working hours and spread production evenly, and (2) a plentiful supply of labor is available on a year-round basis.

"These two conditions, fundamental to the application of penalty overtime, plainly do not exist throughout the canning industry," N.C.A. declared. Because canneries are scattered over the entire country, where natural and seasonal factors vary, some canneries necessarily work many more hours per day than others in a given season. Since costs vary with these natural factors, the effect of applying penalty overtime would be to foster the very type of economic discrimination that the Act was designed to eliminate, N.C.A. pointed out. Removal of the canning exemptions also would have a harmful effect on every other interested group—employees, growers, fishermen and consumers, the Subcommittee was told.

In stating the Administration's objections to the Kennedy bill, Secretary of Labor James P. Mitchell, in testimony May 21, said that a minimum wage increase at this time "would do more harm than good." He called for expansion of wage-hour coverage to include an additional 2.5 million employees engaged principally in retailing and service, transportation, construction, and communications. To

increase the minimum wage before extending coverage, Mr. Mitchell warned, would only widen the wage gap between those who are covered and those who are not, and make it even more difficult to provide reasonable and practical protection in new areas.

Mr. Mitchell urged enactment of the Administration's proposal, which had been introduced by Senator Prouty (Vt.), a member of the Senate Labor Committee, as S. 1967, to extend wage-hour coverage, keep the minimum wage at its present level, and keep intact certain overtime pay exemptions, including those which apply to canning. Specifically, S. 1967 would amend the Act so as to cover employees who are engaged in the activities of any business enterprise which employs 100 or more employees and "purchases merchandise or receives

for use in its current operations materials or supplies that move directly across state lines to its place or places of business which amount in total annual dollar value to \$1 million or more . . ."

The Secretary of Labor said he felt consideration should be given to establishing a minimum wage in the agricultural field, particularly for those large farms and ranches which hire many people. He reported that his Department currently is taking a survey in this area, the results of which are expected to be available by the end of the year, possibly by the next session of Congress. Mr. Mitchell expressed his concern for migrant farm workers who "have no protection from state or federal government."

After hearing from Secretary Mitchell, the Subcommittee recessed until May 26. An additional hearing was scheduled for May 28, and it appeared that the Subcommittee might conclude its business on that day.

Board of Directors Opposes S. 11, Honors Farm Youth Winner

The N.C.A. Board of Directors, at its midyear meeting in Washington May 21-22, went on record as being opposed to enactment of S. 11, the so-called "equality of opportunity" bill, which would amend the Robinson-Patman Act so as to restrict the good faith defense to a charge of price discrimination.

The unanimous action of the Board, at its closed session on May 22, followed the recommendation of the Administrative Council, at its meeting the day before. The Association, in 1949, went on record for the right to meet competition. The opposition to S. 11 is the first statement of policy ever made by the N.C.A. Board of Directors with respect to this legislation, which has been before the Congress for about five years. N.C.A. views on S. 11 were incorporated in a statement submitted to the Senate Judiciary Committee (see story, page 200).

Various phases of the N.C.A. Consumer and Trade Relations Program highlighted the open session of the Board meeting, along with an off-the-record review and analysis of today's domestic and international economy by Dr. Karl Brandt, member of the President's Council of Economic Advisers.

Honors to the 1958 Canning Crops Champion—James J. Junion—were bestowed by his Congressman, The Honorable John W. Byrnes of Wisconsin. Other Wisconsin personalities shared in honoring the 17-year old winner of the annual contest sponsored by N.C.A. with the National Junior Vegetable Growers Association. They were:

President Norman Sorensen, of Milwaukee, who chaired the proceedings; Marvin Verhulst, executive secretary of the Wisconsin Canners Association;

and L. A. Polzak, in charge of agricultural production for The Larsen Company, N.C.A. member at Green Bay, for whom Junion raised his prize-winning crop. Earlier the youth had audiences with both Senators Wiley and Proxmire of Wisconsin.

Arrangements for Junion's three-day, all-expense trip to Washington, had been made by Dr. E. A. Crosby, Assistant Director of the N.C.A. Raw Products Research Bureau, and the staff of Dudley-Anderson-Yutz, public relations counsel for the C.&T.R. Program. These included sightseeing; a Senators-Indians baseball game at which Junion was photographed with baseball stars, including a Wisconsin player; and a visit to the USDA Plant Industry Station in Beltsville.

While he was receiving his N.C.A. plaque, the Mutual network was broadcasting an interview between Junion and their farm broadcaster, Claude Mahoney, which had been taped earlier, and on May 23, another interview, with Don Lerch, NBC farm broadcaster, went out on the National Farm and Home Hour. These features and other special publicity were arranged by the Information Division and D-A-Y staff, each release or script stressing the canning industry's many contributions to agriculture.

The use of the Canning Crops Contest, the youth films, and raw products press and TV releases, as tools to register canner-grower teamwork and the place of the industry in the agricultural economy, were covered in a pictorial report by the D-A-Y staff before the Directors that afternoon. The presentation was introduced by C.&T.R. Committee Chairman, Louis Ratzesberger, Jr., who reported on the previous day's meeting of the Committee. Text of Mr. Ratzesberger's report and the D-A-Y presentation are reproduced on page 194.

The C.&T.R. Program is to stress two main points: (1) the building of canned foods appreciation to all publics, and (2) importance of the canning industry in the nation's economy.

Other subjects presented to the Board and N.C.A. guests during the open session May 21 were a report of plans for the 1960 Convention in Miami Beach, by Vice President Milan D. Smith, Chairman of the Convention Program Committee; and a report of the Legislative Committee by John C. Hemingway, Chairman. These are reproduced on page 196.

At its closed session on May 22 the Board elected two members to fill vacancies on the Executive Committee. The new members of the Executive Committee are J. P. Arthur of the

Shenandoah Valley Apple Cider & Vinegar Corp., Winchester, Va., and O. V. Otteson of Friday Canning Corp., New Richmond, Wis. The two were nominated by a five-man Nominating Committee appointed the day before by President Sorensen.

The closed session of the Board on May 22 was devoted largely to a discussion of production problems. In introducing this subject, Secretary Carlos Campbell explained that it is always a question how far a trade association should go in aiding its members in the solution of production problems. He said:

"The N.C.A. follows a policy of attempting to create an atmosphere for its members within which the member can utilize his abilities most effectively, but not to do the job which properly belongs to the individual canner."

Production problems were outlined and discussed in broad terms by Dr. H. L. Stier, Director of the Statistics Division, Dr. Ira I. Somers, Director of the Research Laboratories, and Dr. C. H. Mahoney, Director of the Raw Products Research Bureau.



JOHN W. BYRNES

A report of the Simplification of Containers Committee was presented by its Chairman, Glenn Knaub.

Presentation of Scroll to Past President Burns

By Robert A. Friend,
Member of Board of Directors
and Administrative Council

Mr. President, guests and members of N.C.A.—I ask your indulgence while I make a few personal remarks to Edward Elliott Burns.

Since our first meeting years ago in New York City, Ed, we have shared many mutual interests. Our businesses are similar; we are second-generation canners; we have gone through the experience of being "father-of-the-bride;" we are fellow alumni of Dartmouth College; our sons were classmates there.

We have come together in the Hanover Inn, on the Campus Green at the Senior Fence—talking over our sons' difficulties and achievements. In the football stadium we have gloried in Dartmouth's victories, mellowed in her defeats. Devoted wives have watched over us, have bandaged our wounds and bruises—whether from business or college reunions. We proudly attended a Dartmouth commencement when our sons graduated with senior honors.

Two years ago, Ed, you were selected to serve this Association. This you undertook with your genuine brand of humility and with a quiet, strong purpose, but only after sincere soul-

searching and self-examination. You have received many communications, then and now, attesting there was a job to do, and a job well done.

In the name of the N.C.A. membership, and with a great sense of personal privilege, I present to you, Ed, this scroll, inscribed as follows:

"The National Canners Association acknowledges its enduring appreciation for a year of splendid leadership under Edward E. Burns. Outstanding as a second generation New York canner, he brought to the office of President a sagacious insight into industry problems, the courage to exert forthright leadership and the gift of dynamic plain speaking ever clothed with courtesy. Experienced in both growing and processing, his previous wide and fruitful services in both state and National Canners Association activities made him abundantly qualified to lead the industry. His quiet zeal and sound judgment were exemplified throughout the successful performance of the arduous task of directing the affairs of this Association. For his unstinting effort, for his solid accomplishments in office, and for the warm friendship he generously offered to his fellow canners, every member of the industry will remain ever grateful."

Presentation of Canning Crops Contest Award

**By the Honorable John W. Byrnes,
Representative from Wisconsin**

I am pleased and honored to be here today to award the championship to the national winner of the 1958 Canning Crops Contest.

I am particularly delighted because the young man we honor lives but a scant 20 miles from my home town and because his prize-winning crop was raised on the fertile soil of Kewaunee County which is part of my congressional district.

At the outset, I would like to congratulate all of the young people who took part in this contest and commend all of those whose ideas, time and energy made it such a success. The basic idea of the contest—encouraging our youth to develop an early and intelligent interest in growing canning crops—is indeed a splendid one.

We tend to take for granted, I think, the marvelous cooperation between growers, canners and distributors which brings the bounty of our fruit and vegetable harvests to dinner tables all over America. Yet, we know, when we think about it, that none of this would be possible without the willingness of all elements of the industry to work together.

The canning industry's efforts to stimulate the growing of better crops through cooperative programs with growers—and this contest is typical of that work—have been most productive. They have brought benefits, not only to the whole industry—from the farmer to the retail outlet—but to the consuming public as well. We in Wisconsin can testify to the worth of this long-range program. The acreage in our state devoted to vegetables for canning is now the largest of any state in the country. The cash crops produced form an important part of both our agricultural and over-all economy. The young man we honor today is symbolic of the cooperation between growers and canners which has given our state a \$90,000,000 industry.

Jim, I think I can speak, not only for everyone here, but for the people of our congressional district and the State of Wisconsin, when I say we're proud of you.

This is the first time a Wisconsin boy has been crowned national champion. You have brought this honor to your state single-handed, through your own efforts and determination. In doing so, you demonstrated a high degree of skill and a thorough knowl-

edge of the latest farm and management techniques. Furthermore, while busily engaged in obtaining that magnificent yield from your pea acreage, you found time to engage in worthwhile club and church activities looking toward the betterment of your community and yourself as an individual.

Ladies and gentlemen, I deem it a distinct privilege and honor to present on behalf of the National Canners Association to James John Junion of Casco, Kewaunee County, Wisconsin, this handsome plaque symbolizing the 1958 Grand Championship in the national Canning Crops Contest.

With this award, Jim, goes our congratulations and our best wishes to you in all of your future endeavors.

Acceptance of Canning Crops Contest Award

**By James John Junion,
Winner of the 1958
Canning Crops Contest**

Congressman Byrnes, Mr. Sorensen, ladies and gentlemen. I am very proud to be here today to accept this award for being chosen the national Canning Crops Contest winner.

My trip to Washington has been a big thrill. I come from Casco, Wisconsin, a community of only 389 people. When I started my project of raising peas for The Larsen Company,

I never expected that so many wonderful things would happen to me.

I would like to thank the National Canners Association for my trip to Washington and for my plaque. I would also like to thank the Wisconsin Canners Association for the savings bond and N.J.V.G.A. convention trip they gave to me. I would like to thank The Larsen Company for the savings bond they gave me. And I would particularly like to thank Mr. Polzak for his interest and help to me in my project.

Principals at the open session of the N.C.A. Board of Directors are shown at the head table. Standing, left to right, are N.C.A. Vice President Milan D. Smith, Dr. Karl Brandt, member of the President's Council of Economic Advisers, N.C.A. President Norman Sorensen, and Executive Secretary Carlos Campbell. Seated, left to right, are Representative John W. Byrnes of Wisconsin; James J. Junion of Casco, Wis., 1958 winner of the Canning Crops Contest; L. A. Polzak, in charge of agricultural production of The Larsen Company, Green Bay, Wis.; and Marvin P. Verhulst, executive secretary of the Wisconsin Canners Assn.



Report of the Consumer and Trade Relations Committee

By Louis Ratzesberger, Jr.,
Chairman

Yesterday the C. & T. R. Committee reviewed in executive session the history of the C. & T. R. program. Our assumption was that the Committee was to devise a continuing program at \$125,000 level.

Program objectives are:

(1) To increase prestige and vitality of canned foods through a program to strengthen consumer appreciation of their economy, nutrition, variety, time-saving, safety, availability and convenience.

(2) To emphasize the importance of the canning industry in the entire economy.

It was decided to emphasize the Food Editors Conference and to recognize the importance of commodity groups and allied industries and de-

velop a more closely coordinated program; as part of this to hold a luncheon meeting similar to the annual Food Editors Conference either at the time of the N.C.A. annual meeting or at a special date.

It was decided to deemphasize:

(1) Sales promotion-type of activity; avoid single commodities such as peas and corn.

(2) Remove N.J.V.G.A. activity from the C. & T. R. budget.

(3) Make use of Philadelphia Project findings plus other canned food marketing studies, but discontinue field work at Philadelphia and not engage directly in marketing studies paid for by N.C.A.

The Committee feels that meetings should be held more frequently (minimum of four) and timed to coincide with D-A-Y and N.C.A. staff conferences when possible.

Report on the Consumer and Trade Relations Program

By George Anderson,
Don Callahan, and
Jean Schoonover,
Dudley-Anderson-Yutzky

The vote of confidence which this group bestowed on the Consumer and Trade Relations Program last February provided a proud moment for us at Dudley-Anderson-Yutzky. Looking at the trends and currents in the food industry from our position, we, of course, feel strongly the need for continuing public relations activity on behalf of canned foods as a commodity group. We are satisfied that we are making progress.

Today we would like to discuss with you our approach to public relations for N.C.A.—our philosophy, if you will—and to tell you about the direction our program is now taking as the result of comment and discussion following the annual convention. This re-evaluation of the C. & T. R. program has been continuous since the start. We feel it is a vital part of public relations since public relations itself is a dynamic and fast paced activity.

We work best as a team at D-A-Y, and so today we have a team of Jean Schoonover, Don Callahan and myself to make this presentation. In addition, one of our newest staff members, Jack Simmons, is with us, and I would like to introduce him to all of you.

During the five years we have worked with N.C.A. we have come to be known—affectionately or otherwise—as “The Agency”. We want to give you a quick picture of what these words mean.

Here we are, located physically in the heart of New York City, within

easy desk-interview distance of nearly every major national magazine, press syndicate, supplement, radio and TV network. The D-A-Y food division staff consists of 44 people, of whom 35 participate one way or another in activities for the National Canners Association. The staff is responsible for creative development of the C. & T. R. program in its conception and, wherever possible, in its execution. Functions include consumer copywriting, trade publicity, institutional publicity, home economics, art, radio and TV, research, media, and production.

As a sounding board on the value to editors of various N.C.A. materials and editorial approaches, we call on our Editorial Board of Review—gala like Dorothy Marsh of *Good Housekeeping*, Grace White of *Family Circle*, Esther Foley of Macfadden Publications, etc.

On occasion, we need the skills of experts whom we call on for specific projects beyond the scope of our own services—people like Earl Fultz, film producer, responsible for production of “The Three Squares,” “The Story of John Porter,” “Dear Eddie”; Don White, market research consultant who conducted the Cost of Handling Study; Leo Nejeleski, consultant in the institutional field; Bob Stelzer, consultant on the youth market; Saul Schur, who works with D-A-Y on various educational programs in the school field; and in the radio-TV celebrity world, Maggi McNellis.

And for a sounding board in the food trade area, we call on our Operations Committee of food industry leaders—Marie Kiefer, Jerry Young, Ray Harb, Watson Rogers, etc.

So much for the people. Now for the job. Although it's called a Con-

sumer and Trade Relations Program, our work for N.C.A., as for all our clients, is public relations as D-A-Y interprets the phrase. And our interpretation involves (1) finding out the problems existing in the minds of the industry's many publics, (2) analyzing them, and (3) planning a program which goes as far as possible within budget and policy limitations to correct the problems.

In the national defense, an important element is a series of first line defense stations called the D-E-W line. D-E-W stands for Defense and Early Warning. And public relations is a DEW line, too.

Five years ago our Defense and Early Warning concentrated on canned foods' lack of prestige among consumers and lack of appreciation of canned foods' profitability among retailers. To combat those problems we have developed the following typical elements of the C. & T. R. Program:

(1) Editor contact, discussing personally with each magazine, syndicate and Sunday supplement editor the general approach of creative cooking with canned foods.

(2) Trade publicity, getting trade press to understand and comment on C. & T. R. activities as a contribution of N.C.A. to industry education and know how.

(3) “ABC's of Canned Foods,” a basic fact book about the industry and its larger packs.

(4) Communication with the retail and distributing trade through contacts with the Operations Committee.

(5) Cost of Handling Study to learn more about profitability of canned foods from retailer point of view.

(6) News stories on the canning industry.

(7) N.C.A. Food Editors Conference, recommended as an important means of bringing food editors to the industry as well as the industry to the editors.

(8) Retailer success stories, like Von's, Dahl's and others.

(9) Display tests with various publications, using editorial features as reminders at point of sale. Examples include *Women's Home Companion*, *Family Circle*, *American Weekly*.

(10) “The Three Squares”—shown 2329 times to a total audience of 24,064,064. This includes 206 TV showings and 4 showings at the Brussels Worlds Fair.

(11) Special Events—Special publicity coverage capitalizing on the public interest and prestige of events like the Girl Scouts Round Up and the arrival of the Mayflower II. Also kits to celebrate the 50th anniversary of N.C.A.

(12) Philadelphia Project—a study in depth of canned foods management in a typical retail chain. This field research in American Stores was conducted over a four-year period and re-

sulted in the publication so far of six reports covering sales analysis, seasonal sales patterns, multiple packaging and general management information. The Philadelphia Project has been terminated, but one more very informative report will be published on the subject of out of stock.

(13) "The Almost Complete Canner"—a consumer brochure which uses a humorous approach to give editors highly important information—a list of all canned foods which could be located at the time of publication—1,029 in all.

(14) "The Cannery Map of the U. S."—a second of the same series of unusual materials to tell the canning industry story, this one dealing with what states pack what product and a general idea of their relative importance.

A year or so after the start of the C. & T. R. Program we were asked to consider the raw products story as a publicity approach. After investigation we saw many areas where N.C.A.'s public relations could be improved and the DEW line went to work to shape a program tailored to improving relations with the horticulturists and extension workers we need in raw products research, the Senate and House agriculture committees and the many other state and national legislators who have decisions to make affecting our industry. We worked in this area by means of the following:

(1) Special materials to newspapers, farm magazines and consumers generally on the raw product story.

(2) Tie-in special events such as the Liberty Hyde Bailey anniversary which we recognized with a kit for farm radio and TV broadcasters.

(3) The Canning Crops Contest, which has brought N.C.A. and its canner members continuing recognition among agriculture officials from Secretary Benson on down, from 4-H, FFA, farm organizations, from N.J.V.G.A. and its land-grant college leaders, the U. S. Congress, allied industry, and consumers in general.

(4) Publicity for the Canning Crops Contest is generated by a number of events, foremost among them being the visit of the national winner to Washington. Here boys and girls are shown meeting Vice President Nixon; Senator Douglas; Secretary Benson.

(5) Two films were produced in conjunction with the Canning Crops Contest and the Farm Youth Program—"The Story of John Porter" and "Dear Eddie." These films have been shown to date to 402 groups, with a total audience of 5,854,042. To show the general consumer interest involved, "John Porter" has had 36 TV showings.

(6) To introduce the film "John Porter" in the proper atmosphere, we

staged a VIP premiere in Washington which some Board members attended, along with many important Washington figures, including agriculture, Congress, etc.—about 500 in all.

Short-range missiles have been developed for a precision job of defending our country. The N.C.A. C. & T.R. Program has similar weapons.

On various occasions of large supply, N.C.A. has gone into commodity publicity programs for peas and corn. C. & T. R. has had an important part to play in producing materials, contacting other groups who could help.

In the "September is Canned Foods Month" promotion the C. & T. R. program's contribution was again coordination of efforts of publications and allied groups, plus the production of kits of materials for canners to use for local publicity.

In the long-range missile program the target is outer space, with concentration on the moon. Billions of dollars and man hours have been spent on this project—so far unsuccessfully. Nevertheless, the target is still the same. The missiles change but the target doesn't. It is the same for N.C.A. The target is always canned foods appreciation. Give the program a new name, add new weapons, but concentrate on the target. This year let's call the program the "Nature's Best" program—derived from the slogan introduced at the February convention—"Nature's Best is Better Canned!"

Here are the new missiles—some tested, some still on the drawing board. Operation Education, for consumers, includes the "Canned Foods Aptitude Test," and a new brochure for food editors and food educators—"What Comes In Which?," a discussion of can and jar sizes for major products.

The "Nature's Best" theme has already been used in trade publicity and now in a kit for radio and TV farm directors where early returns have been enthusiastic.

"The Three Squares" will continue to be shown, this year with emphasis on clubs and schools as well as TV. "John Porter" and "Dear Eddie" will also continue to be offered to farm TV shows and farm groups.

"The ABC's of Canned Foods," still the bible of food editors, will be revised as far as the statistical pages are concerned.

As always, we will capitalize on special events which occur. Plans are under way right now to cooperate in the celebration of the sesquicentennial of canning. Editor contact, of course, goes on continuously. And canned foods articles get printed in magazines you may never have heard of, as well as those you know.

The N.C.A. Food Editors Conference is being planned for Miami.

Operation CeeBees has been added, too. This is a combination of celebri-

ties and brains all endorsing canned foods as an important part of their menu planning. To date we have had Maggi McNellis, star of Celebrity Talks radio show, interview Mary Margaret McBride, Lily Dache, and Billy Talbert for N.C.A. The show is heard on 245 radio stations with coverage of 7½ million households.

In addition, Maggi's name appears on a newspaper column written by D-A-Y and distributed to 509 newspapers in the initial solicitation.

Operation Farm Youth continues, with our 1958 winner currently here in Washington. Among publicity features from this visit are an interview on the Farm and Home Hour, one of the Mutual network's farm programs, a special feature story in the Milwaukee Journal, coverage of all mid-western papers and TV stations. And later we anticipate farm paper and youth magazine coverage.

At the NJVGA convention last year in Biloxi we took pictures and made tape recordings with national, regional and state winners from many states. Results were so good that we plan to repeat this December when the convention is in Washington. "John Porter" and "Dear Eddie" play an important part in the Farm Youth program, with 88 requests from vo-ag teachers for one or both of the films to be shown—just in the past three weeks.

Among new elements are a bulletin called "Canning Crops Contest News" which is sent to state secretaries and other state representatives of N.C.A. to keep them better posted on the program and to encourage more communication and publicity at all levels. Another new project is the preparation of a brochure called "What Makes a Champ?" This booklet gives in simple and readable style all the facts about the contest and suggests what you as a canner, a fieldman, a state secretary, an NJVGA leader or a vo-ag teacher can do to help stimulate participation in this contest. As we mentioned, the next NJVGA convention at which awards in the Canning Crops Contest are announced will be held in Washington in December. We plan to participate by bringing canning contestants to N.C.A. for a tour and otherwise assist in the convention program.

Operation Cost Control for the institutional trade is a fact-finding program on the proper approach to operators to build institutional use of canned foods, followed by a publicity program to educate operators to appreciate the advantages of canned foods.

Operation Alert is a program for N.C.A. members, including a new service called N.C.A. Briefs.

Also reprint mailings of significant editorials different from ones we have previously mailed.

Operation Front Door is our new approach to the retail trade, concen-

trating on reminding them of how the C. & T.R. Program works constantly to bring customers in the front door in a frame of mind favorable to buying canned products.

If we were to send out a Defense Early Warning alarm to N.C.A. members right now in reference to possible "trouble areas" beyond our current jurisdiction or budget, we would give priority to these:

(1) The frozen food industry's new aggressive public relations program

focusing on joint meetings with retailers, consumer motivation studies and nutritional publicity.

(2) The "fresh for health" program of the fresh fruit and vegetable industry.

(3) The need for an institutional public relations program for N.C.A., explaining what it is and what it stands for in the area of facilities, contributions, membership and stature, to be directed at both government and industry.

commending the Senator for taking a prompt interest in the problems pointed up by Supreme Court decisions upholding the right of states to tax the income earned in a state by out-of-state corporations. The Association recommended that this very serious problem be investigated either by a Congressional Committee or by an executive department to the end that some form of legislation is developed that will not infringe on the right of states to manage their own affairs, but will remove the burdens on interstate commerce resulting from uncoordinated state income tax laws.

In this area of interstate trade barriers, the Association filed a brief with the Internal Security subcommittee of the Senate Judiciary Committee, pointing out that legislation to modify the doctrine of federal preemption would have a serious implication in the field of food law and regulation. Generally speaking, we urged that any canned product complying with the federal law ought not to be barred from intrastate sale by any different state or local law. We understand two Senators made the observation that our brief was a very worthwhile contribution to the deliberations of the Subcommittee by establishing the importance of uniform application of food regulations.

Those are actions that have been taken. In the immediate future we have a presentation to submit to the Senate Labor Committee on wage and hour legislation and one to the Senate Judiciary Committee on a bill to require that advance notice of a price increase be given the government. The Senate Labor Committee is now holding hearings on bills to increase the minimum wage, to remove the seasonal exemptions, and to broaden the coverage of the act. Following the established policy of the N.C.A. Board, the Association will vigorously oppose the provisions of the Kennedy bill that would remove the canning exemptions. The Legislative Committee urges all of you, individually and through your local associations, to help make this position clear through communications to the Senate Committee and to your Senators and Congressmen. The N.C.A. brief will be filed tomorrow, but copies are available now.

A letter is being sent to the Senate Judiciary Committee opposing the price increase notification proposal.

Each week the INFORMATION LETTER reports the status of every important piece of legislation that would affect the canning industry. More than 30 subjects are currently listed. I have mentioned a number of these, the ones on which we have taken some form of formal action and the two on which we are now in the process of making our views known.

Important among these other measures are bills to amend the mandatory

Report of the Convention Program Committee

By Milan D. Smith, Chairman

Plans for the format of the 1960 Convention meeting of the N.C.A. suggest the following pattern of meetings:

Administrative Council and State Secretaries dinner, Saturday, January 16.

Board meeting Sunday, January 17, with an open lunch as in the past and with food editors as additional guests. The Board session and Food Editors Conference would follow the combined luncheon, as separate meetings.

Annual meeting, Monday morning, January 18, at 10:00.

Buffet breakfast sessions starting at 8:30 and ending at 11:00 on Tuesday and Wednesday mornings, January 19 and 20. These would be technical meetings with the program material

developed by the Raw Products, Research Laboratory, Statistical, and Fisheries Divisions.

A Convention theme will be adopted and it is expected that all program sessions will give recognition to the theme.

Committee meetings would be scheduled at the convenience of the Chairmen and members.

The main social events have been scheduled by their respective sponsors for the following nights:

Sunday evening—Forty Niners Reception

Monday night—C.M.&S.A. Dinner Dance

Tuesday night—Young Guard Banquet and Entertainment

Wednesday night—Old Guard Banquet and Weirton Dinner

Report of the Legislative Committee

By John C. Hemingway, Chairman

Each year the Legislative Committee strives to give the industry better service in following the actions of Congress, pointing out issues on which the industry should take a position, and in guiding and coordinating the industry's work in supporting or opposing legislation.

Thus far during this Congress we have had two Legislative Committee meetings, one in Chicago at the time of the Convention, and a full-dress affair here in Washington early in April. At the meeting in April the Committee thoroughly studied the major subjects and selected two, wage and hour legislation and agricultural labor problems, for particular discussion with members of Congress. Following a day-long study session, the Committee spent the next morning on the Hill and in the afternoon reconvened at N.C.A. headquarters to share their experiences in what Walter Graefe, when he was Chairman, called bird-dogging.

In addition to the meetings of the Committee, N.C.A. has made more formal presentations to Congress this session than in any comparable period of time. To enumerate, Paul Benson of the Green Giant Company testified before the House Ways and Means Committee on April 10, on behalf of the industry in opposition to legislation to federalize the unemployment compensation law, and later a supplementary statement was filed with the Committee incorporating the documented experience of the Blue Lake Packers, Inc., showing that short-time seasonal workers take out of unemployment compensation funds more than their employers contribute. This statement was submitted in answer to questions asked of Mr. Benson by the Ways and Means Committee Chairman.

Immediately on the announcement by Senator Sparkman of Alabama, Chairman of the Senate Small Business Committee, that he would hold a hearing on the subject of interstate taxation of corporation incomes, the Association submitted a statement

marketing orders law, to legalize collective bargaining for price by processors, to amend the antitrust laws, and to require registration of agricultural labor crew leaders. Although not the subject of legislation, the Legislative Committee has been following closely the proposals of the Department of Labor to further regulate and control the employers of farm labor. Regulations have been circulated that would require employers who use the USES farm labor service to agree to the payment of prevailing

wages determined by the Labor Department, to conform to federal housing standards, and to adopt the most favorable transportation inducements offered agricultural workers by other employers. All the farm labor employer advisers to the Department along with the state employment service advisers have opposed these proposals and have recommended that they be withdrawn, and hearings scheduled for early in June have been cancelled.

Report of the Committee on Simplification of Containers

By Glenn Knaub, Chairman

At the Convention, last February, the Committee on Simplification of Containers met jointly with the Labeling Committee to hear a report of the activity of a technical group of the International Organization for Standardization, and to consider the appropriateness of the industry again reviewing the voluntary can size limitation program adopted under the auspices of the Department of Commerce.

A number of European countries have been working through the ISO in an effort to agree on a uniform method for measuring can sizes—the diameters and capacities. Their approach has been through the metric system of measurement and thus has been in conflict with the system used by our industry.

N.C.A. asked Frank Elliott, who handles foreign trade development work for the Cannery League of California, to observe the last meeting of the ISO group which was held in June of 1958, in England. Mr. Elliott reported on the meeting and suggested the advisability of a United States representative attending future meetings, prepared to take an active part. The adoption by our foreign friends of standards incompatible with our own could cause obvious trade difficulties. The joint committee—Simplification of Containers and Labeling—agreed that it would be well for N.C.A. to arrange for representation at the next meeting of the ISO technical group when they consider the standardization of can size diameters and capacities.

Some years ago in answer to both industry and consumer demands for some degree of can size limitation, the Association entered into a voluntary program with the Department of Commerce. The program is called a Simplified Practice Recommendation. It works this way: The Association surveys the industry to learn two things: (1) exactly what can sizes

are in use for the various commodities, and (2) what can sizes the industry believes are necessary and will fully serve the consumer wants and needs for the various commodities. A representative committee of the industry, including membership from the container manufacturers, reviews the information developed by the survey and makes recommendations looking for the voluntary elimination of the unnecessary and least-used sizes. The program was started early in the 1930's and the first SPR was adopted in 1934. The last time this program was reviewed was following World War II when a recommendation for 32 can sizes was adopted with not more than seven sizes approved for any one commodity. This was a substantial reduction from the 41 sizes recommended in the 1940 program and yet it recognized the use of four sizes that were not in the earlier recommendation, while eliminating 13 sizes.

We all know that changes in can size use have taken place in recent years. It seems timely, therefore, for the Association to again undertake a survey of the industry's usage and desires, particularly because of the rapid development of juice drinks.

Thus, as a second recommendation, the Committee on Simplification of Containers proposes that the Simplified Practice Recommendation for Cans for Fruits and Vegetables be reviewed to find out if the adoption of a new list of recommendations for voluntary adoption by the industry is in order. We feel that a survey of the industry by the Association would be valuable in re-educating the industry to adhering to can size limitations on a voluntary basis, as well as the possibility of adopting a recommendation meeting today's production and marketing requirements and consumer desires.

The Committee is not asking the Board for any action. We will, however, continue to work on the problem, and will report to you again in the near future.

Conference on Sanitation and Processing Problems

The N.C.A. Washington Research Laboratory will hold an all-day Sanitation and Processing Conference at Mankato, Minn., June 3. The conference will be the last before the start of the 1959 packing season.

Canners in Iowa and Wisconsin and other nearby areas are invited to attend also. The conference will be held at the Saulpaugh Hotel in Mankato.

Topics to be covered include FDA regulations; prevention of product contamination; the relationship of sanitation, safety, and fire prevention; the application of bacteriology to canning sanitation and processing; the plant cleaning problem; and control of in-plant and out-of-plant waste. The subjects are considered from the point of view of maintaining a high level of product quality.

While the program will be open to management and technical personnel, it is intended primarily for cannery supervisors—superintendents, foremen, and foreladies.

The Minnesota conference will be the eleventh held in 1959. More than 600 cannery personnel will have attended the conferences this year. It is expected that the conferences will be resumed in the fall after the end of the packing season and that they will be continued next year.

Shipments of Metal Cans

Shipments of metal cans for food during the first quarter of 1959 have been reported by the Bureau of the Census, U. S. Department of Commerce.

	Jan.-March 1958	1959 (short tons of steel)
Fruit and vegetable (including juice).....	266,851	217,395
Meat (including poultry).....	35,441	34,527
Fish and sea food.....	23,189	19,453

Shipments of Glass Containers

Shipments of glass containers for food during the first quarter of 1959 have been reported by the Bureau of the Census, U. S. Department of Commerce.

	Jan.-March 1958	1959 (thousands of gross)
Wide-mouth food (including fruit jars and jelly glasses).....	9,076	9,682
Narrow-neck food.....	2,826	3,397

Green Peas for Processing

The acreage planted or to be planted to green peas for processing in 1959 is estimated at 359,430 acres, 9 percent less than last year's plantings and 21 percent below the 1948-57 average, according to the Crop Reporting Board of USDA.

Of the total 1959 plantings, 234,900 acres are estimated for canning. This is a reduction of 17 percent from last year's acreage planted for canning, and 30 percent below average. The acreage planted for freezing totals 124,530 acres, exceeding last year's freezing acreage by 14 percent and average plantings by 3 percent.

On the basis of May 15 indications in California, 12,340 tons are in prospect in that state for canning and freezing this season. This compares with 7,050 tons obtained in 1958 and the average of 11,900 tons. This year's indicated yields are mostly good in relation to last year's yields and average. The crop is now being harvested on the Coast. By May 15 it had been completed in southern California and was nearly completed in the Central Valley areas.

State	10-year ave. 1948-57	1958	1959 Preliminary	Percent change from 1958
	(acres)	(acres)	(acres)	
N. Y.	25,000	12,500	12,300	- 2
Pa.	13,000	6,800	6,700	- 1
Ind.	3,000	2,800	2,100	-25
Ill.	27,100	25,600	22,800	-11
Mich.	6,000	5,400	3,900	-28
Wis.	130,300	111,400	86,500	-22
Minn.	57,900	47,000	44,100	- 6
Del.	3,100	5,600	6,200	+11
Md.	8,800	7,300	7,100	- 3
Va.	2,200	900	900	
Idaho	11,800	11,100	10,900	- 2
Wash.	65,700	70,300	68,000	- 3
Ore.	58,100	57,200	59,400	+ 4
Calif.	10,100	6,100	7,700	+26
Other states ¹	33,900	23,950	20,830	-13
U. S. Total	455,900	393,950	359,430	
For freezing	120,000	109,270	124,530	+14
East & Central		31,670	35,210	+11
West		77,600	89,320	+15
For canning	335,100	284,680	234,900	-17
East & Central		206,880	170,320	-18
West		77,800	64,580	-17

¹Ark., Colo., Iowa, Kans., Maine, Mo., Mont., Nebr., N. J., Ohio, Okla., Tenn., Utah, W. Va., and Wyo.

Item	Grade	Type and Style	Can Size	Quantity (pounds)	Quantity (cases)
Cherries, sweet	A (Fancy) or B (Choice)	II(a) or III(a)	24/303 6/10	1,224,900 893,830	51,038 22,069
Apricots	A (Fancy) or B (Choice)	I(a)	6/10 24/2½	4,302,000 3,325,000	106,222 73,880

Stocks of Canned Foods on May 1 and Season Shipments

Reports on canners' stocks of a number of canned food products on May 1 and season shipments to that date

have been issued by the N.C.A. Division of Statistics.

	Carry-over month Sept. July	Case basis 6/10 actual	Supply 1957-58 1958-59	Canners' Stocks, May 1 1958 1959	Season Shipments to May 1 1958 1959
				(thousands of cases)	
Apples	Sept.	6/10	4,624 4,695	2,195 1,750	2,429 2,945
Applesauce	Sept.	actual	16,344 17,821	5,761 5,932	10,583 11,889
R&P cherries	July	actual	3,805 2,851	419 365	3,380 2,480
Pineapple*	June	actual	23,933 23,801	6,235 5,692	17,098 18,069
Pineapple juice*	June	actual	15,910 16,081	4,700 4,070	11,200 12,011
Beans, green and wax	July	actual	31,238 31,801	7,617 7,981	23,622 23,820
Beans, lima	Aug.	actual	3,986 3,399	1,270 1,065	2,716 2,334
Beets	July	actual	12,587 12,050	4,431 4,246	8,157 7,894
Carrots	July	actual	3,873 3,980	1,596 1,562	2,277 2,417
Corn	Aug.	actual	43,149 37,258	12,893 8,311	30,256 28,947
Peas	June	actual	41,708 41,005	10,900 12,367	30,806 29,238

* Source: Pineapple Growers Association of Hawaii.

1958 Pack of Black-eye Peas and Other Field Peas

The 1958 pack of canned fresh black-eye peas and other varieties of field peas totaled 2,275,424 actual cases compared with the 1957 pack of 1,629,540 cases, according to a report by the N.C.A. Division of Statistics.

Variety	1957 (actual cases)	1958 (actual cases)
Black-eye peas	751,904	1,051,366
Purple hull peas	249,323	269,044
Field peas	314,588	523,671
Crowder peas	160,914	230,234
Cream peas*	152,811	201,109
U. S. Total	1,629,540	2,275,424

*Includes the variety of white acre.

MSSA Requirements for Sweet Cherries, Apricots

Tentative requirements for canned sweet cherries and apricots from the 1959 pack to meet the requirements of the armed forces have been announced by the Military Subsistence Supply Agency, 226 West Jackson Blvd., Chicago 6, Ill. Procurement will be made by the Oakland Military Subsistence Market Center, 2144 Webster St., Alameda, Calif.

Estimated requirements, subject to modification, are as follows. Grade, type and style, and can size desires are indicated.

By states, the 1958 pack of black-eye peas was:

State	1957 (actual cases)	1958 (actual cases)
Ark. and Okla.	180,484	344,634
Texas	498,719	597,950
Other states*	72,701	108,782
U. S. Total	751,904	1,051,366

*Other states include Md., Miss., Tenn., Va., and Ala.

Floyd Asher

Floyd Asher, formerly of the Clarksville Canning Company, Clarksville, Iowa, died in St. Petersburg, Fla., on May 11.

Mr. Asher was a member of the N.C.A. Board of Directors from 1949-52. He also served on the Statistics Committee, 1954-56. He had been active also in the Iowa-Nebraska Canners Association, which he had served as president.

The American Weekly

"Count on the tart red fruit—a classic for pies—to give zest to many other good dishes," was the subtitle of Amy Alden's food article "Cherry Delights" in the May 17 issue of *The American Weekly* magazine.

Three recipes using canned red tart pitted cherries were given in the article: Two-Tone Cake, Cherry Peek-A-Boos, and Veal Chops in Cherry Sauce. A black and white photograph of two of the foods illustrated the article.

The American Weekly Sunday magazine section is nationally distributed with 31 metropolitan newspapers.

FDA Publishes Proposal on Canned Pea Standards

The FDA has published in the *Federal Register* of May 20 a petition proposing amendments to the standard of identity for canned peas. Following is the text of the FDA notice:

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE Food and Drug Administration

[21 CFR Part 51]

CANNED VEGETABLES; DEFINITIONS AND STANDARDS OF IDENTITY; QUALITY; AND FILL OF CONTAINER

CANNED PEAS; STANDARD OF IDENTITY

Notice is hereby given that a petition has been filed by the California Packing Corporation, 215 Fremont Street, San Francisco, California, setting forth proposed amendments to the regulations fixing and establishing a standard of identity for canned peas (21 CFR 51.1).

Pursuant to the authority of the Federal Food, Drug, and Cosmetic Act (secs. 401, 701, 52 Stat. 1046, 1055, as amended 70 Stat. 919; 21 U.S.C. 341, 371) and delegated to the Commissioner of Food and Drugs by the Secretary of Health, Education, and Welfare (22 F.R. 1046, 23 F.R. 9500), all interested persons are hereby invited to present their views in writing regarding the proposals published below. Such views and comments should be submitted in quintuplicate, addressed to the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, Health, Education, and Welfare Building, 330 Independence Avenue S.W., Washington 25, D. C., prior to the thirtieth day following the date of publication of this notice in the *Federal Register*.

The petitioner has requested that the standard of identity for canned peas be amended to provide for dried green or red peppers, dried onions, and dried garlic as optional seasoning ingredients; to provide for the optional use of the word "seasoned" as a part of the label name of the food; and to provide for label declaration of "dried" or "dehydrated" optional seasoning ingredients. It is proposed:

1. That the headnote of § 51.1 be amended to read: § 51.1 *Canned peas; identity; label statement of optional ingredients.*

2. That § 51.1 (d) be amended by changing subparagraphs (1), (3), and (4) to read:

(1) Green or red peppers, which may be dried.

(3) Onions, which may be dried.

(4) Garlic, which may be dried.

3. That § 51.1 be amended by changing paragraph (f) (1), (5), and (8) to read as follows:

(f) (1) The label shall name the optional pea ingredient present by the use of the word or words "Early" or "June" or "Early June," "Sweet" or "Sweet Wrinkled" or "Sugar," "Dried Early" or "Dried June" or "Dried Early June," "Dried Sweet" or "Dried Sweet Wrinkled" or "Dried Sugar." If one or more of the optional seasoning ingredients are used, the product's name may include the word "seasoned" immediately preceding or following the name of the optional pea ingredient.

(5) If an optional seasoning ingredient is used, the label shall bear the words "seasoned with green peppers," "seasoned with red peppers," "seasoned with mint leaves," "seasoned with onions," "seasoned with garlic," or "seasoned with horseradish," or any combination of these. If the seasoning ingredient is dried, the name of the ingredient shall be preceded by the word "dried" or "dehydrated."

(8) Wherever the name "peas" appears on the label so conspicuously as to be easily seen under customary conditions of purchase, the words and statements specified in this section, showing the optional ingredients present, shall immediately and conspicuously precede or follow such name, without intervening written, printed, or graphic matter, except that the specific varietal name of the peas may so intervene, and if one or more of the optional seasoning ingredients are used, the word "seasoned" may so intervene.

Dated: May 14, 1959.

[SEAL] JOHN L. HARVEY,
Deputy Commissioner of Food and Drugs.

Sweet Potatoes for Canning

Notice is given in the *Federal Register* of May 22 that the Agricultural Marketing Service of USDA proposes to revise U. S. standards for sweet potatoes for canning.

The proposed revision would eliminate the U. S. No. 2 grade from present standards, change requirements of the U. S. No. 1 grade so as to meet current processing practices, and class as culls any potatoes not meeting requirements of the No. 1 grade.

The revised standards, if issued, are intended to be used as a basis for contracts between growers and processors. Changes in the standards were developed at the request of industry members primarily concerned with processing whole sweet potatoes, according to USDA.

N.C.A. To Participate in Weights, Measures Meeting

N.C.A. staff and counsel will attend the 44th National Conference on Weights and Measures, in Washington, D. C., June 8-12, and will participate at the meeting of the Conference Committee on Laws and Regulations. The Conference is sponsored by the National Bureau of Standards as a means for promoting uniformity among the states in their weights and measures laws, regulations and enforcement practices.

Although the Bureau of Standards and the National Conference exercise no authority with respect to state weights and measures requirements, officials from all states and territories are active members in the Conference. Deliberations and decisions of the Conference are therefore of prime importance in this area, and state authorities give great weight to the laws, regulations and procedures recommended by the Conference.

N.C.A. interest in the meetings of the Conference arises primarily from the position of the canning industry that federal and state uniformity of label requirements is of vital significance to consumers, producers, distributors and enforcement authorities. Several states in recent years have established requirements for label quantity declarations that vary from those of other states and the federal government (see INFORMATION LETTERS of January 3 and May 2, 1959). It is hoped that N.C.A. participation in Conference activities will contribute toward the alleviation of some of the industry difficulties in this area.

A statement was recently submitted by the Association for consideration by the Conference Committee on Laws and Regulations with specific emphasis upon the New Jersey and Pennsylvania requirement that the word "net" appear on food labels. That committee will hold a public meeting on June 8, where it is expected that Association staff and counsel will present the canning industry's position.

ICC Proposal on Trucks

Notice is given in the *Federal Register* of May 22 that the Interstate Commerce Commission proposes to revise its regulations governing qualifications and maximum hours of service of employees of motor carriers and safety of operation and equipment. The proposal would redefine the terms "on duty" and "driving" time and is intended to clarify instructions on drivers' daily logs.

N.C.A. Opposes S. 11, Bill To Amend Robinson-Patman

Pursuant to the statement of policy adopted by the N.C.A. Board of Directors, the N.C.A. has submitted to the Senate Judiciary Committee a statement of canning industry opposition to S. 11, the so-called "equality of opportunity" bill, which would amend the Robinson-Patman Act so as to restrict the "good faith" defense to a charge of price discrimination.

Following is the text of the N.C.A. statement, which was addressed to Senator Eastland (Miss.), Chairman of the Senate Judiciary Committee:

Dear Senator Eastland:

It is our understanding that there is currently pending before the Senate Committee on the Judiciary, on report from the Antitrust Subcommittee without recommendation, S. 11, a bill to amend the Robinson-Patman Act confirming that it shall be a complete defense to a charge of price discrimination for a seller to show that his lower price or the furnishing of services or facilities to any purchaser or purchasers was made in good faith to meet an equally low price of a competitor or the services or facilities furnished by a competitor, but containing the stated exception that this defense shall not be available where it is found that "the effect of the discrimination may be substantially to lessen competition or tend to create a monopoly in any line of commerce in any section of the country".

In almost identical form this proposal has been the subject of Congressional hearings and debate for many years. As reported by you in the second session of the 85th Congress, it had been limited to foods, drugs, and cosmetics when sold for resale to consumers for human consumption or use without further manufacturing or processing.

As might be expected, this proposal has been a subject of discussion and interest in the canning industry over the years. Despite the inherent ambiguity in its basic meaning, it has been long since deemed clear that S. 11 would apply to every canning enterprise large and small because the phrase "any line of commerce in any section of the country" would comprehend any product line, that is, any particular canned food produced either nationally or regionally. In addition, in virtually every proceeding brought by the Federal Trade Commission in the food industry irrespective of the size of the seller concerned, the Federal Trade Commission has almost uniformly made the finding that the selling and pricing of even the smallest company tended substantially to lessen competition or to create a

monopoly. On these precedents, it has become clear that the bill would be of universal applicability to all canners, and insofar as it foreclosed the right to meet competition in good faith, it would restrict that right on the part of every canner irrespective of the size of his business.

Your Committee recently reported and the Senate passed on March 18 S. 726 to make all future orders of the Federal Trade Commission self-executing and to provide penalties of \$5,000 daily for violation of such orders. This change in enforcement procedure would render of far reaching and serious consequence the inherent ambiguities in S. 11, and underscores the apprehension of this industry that by its very terms the bill curbing the individual right to meet competition could and would be administratively enforceable against every food processor, as well as subject him to treble damage liability in the event that he is compelled by market conditions to meet competition.

As far back as 1949, the National Canners Association deemed that it was essential to their continued operations for canners to be free to meet competition in the highly competitive canned foods market. At that time the Association passed the following resolution:

"Continued confusion and uncertainty in the legal rules governing the propriety of delivered pricing, freight absorption, and the meeting of competition by individual sellers constitutes a serious impediment to the economy. To require inflexible f.o.b. factory pricing or to impose limitations on the meeting of competition in good faith by individual sellers, will cause vast changes throughout American business and result in economic upheaval and maladjustment whose impact will fall upon the growers, workers, canners, and the communities in which they work and live. The members of this Association abhor both price conspiracies and monopoly in any form, and endorse all sound efforts to curb conspiracy and eradicate monopoly. By the same token, the Association believes that the public interest will be effectively served and a free economy fostered by dissipating the existing confusion and doubts concerning the legal propriety of individual pricing practices or the good faith meeting of competition by individual sellers."

In view of the intensive consideration given to S. 11 throughout the years of hearings, undoubtedly no useful purpose would be served by rehearsing in this statement all of the asserted reasons for this proposal or all of the other developed objections to it.

On behalf of its member canners located in 48 of the 50 states and terri-

tries, the National Canners Association respectfully desires to make clear to the members of the Committee its opposition to S. 11, and its developed conviction that the enactment of that measure would constitute a serious economic impediment to the canning industry directly, to the growers of canning crops indirectly, and in its adverse economic effect to the American consumer.

We respectfully urge that the bill not be favorably reported.

Very truly yours,
NORMAN SORENSEN,
President.

N.C.A. Opposes S. 215, Price Notification Bill

The N.C.A. has submitted to the Senate Antitrust and Monopoly Subcommittee a statement of opposition to the price notification bill, S. 215, which would require advance notice to the FTC and public justification of price increases in "any line of commerce" where no more than eight corporations account for half of the annual sales.

Hearings on S. 215 have been held by the Antitrust and Monopoly Subcommittee of the Senate Judiciary Committee. Following is the text of the N.C.A. statement, which was addressed to Senator Kefauver (Tenn.), chairman of the Antitrust and Monopoly Subcommittee:

Dear Senator Kefauver:

On behalf of its 650 member canners located in 48 of the 50 states and territories, the National Canners Association respectfully desires to record with the Committee its objection to S. 215, entitled a bill to require concentrated industries to file advance notice before increasing prices.

The National Canners Association is a nonprofit trade association whose membership includes both independent canning companies and cooperative canning enterprises which in the aggregate pack 75 percent of the entire national production of canned fruits, vegetables, fish and specialties.

In addition to the basic objections to S. 215 which have been explored with the Antitrust Subcommittee, in its public hearings on that proposal, by representatives of the Department of Justice, the Federal Trade Commission, and a large number of basic industries and labor organizations, we respectfully submit to the Committee the following additional points.

In the first place, the precise coverage of the proposed measure is am-

biguous, and in the opinion of some might be applied to individual segments of what have been loosely referred to as basic industries. The only relevant frame of reference appears to be the phrase "any line of commerce" which has been interpreted under other provisions of the anti-trust laws to embrace the manufacture and sale of particular product lines, not only nationally but also in regional and local areas. It is true that to some extent the authority to determine "the lines of commerce and the corporations" to which the bill will apply is delegated to the Federal Trade Commission by the last sentence of Section 3 of the bill. Yet this delegation must be governed by the remainder of that section. Accordingly there is some basis for apprehending that this measure in the future might be held applicable to particular lines of products among the many canned foods.

Secondly, we urge upon the Committee the impracticability of the proposal deriving from manifest economic facts in the highly competitive canning industry and in many others. If a company that has a large volume is precluded from raising prices, its smaller competitors would be similarly foreclosed from advancing prices despite changes in the market, labor increases, or other cost increases that would require them. If true competition exists, experience has repeatedly demonstrated that these smaller enterprises cannot obtain higher prices in the market place than their larger competitors. In this respect, it is respectfully submitted that the proposal would bear equally upon the smaller enterprises, and to the extent that they were unable to achieve higher prices demanded by economic conditions, the smaller enterprises might indeed suffer relatively more.

That the time limitations sought to be prescribed are unworkable has been sufficiently demonstrated to the Committee.

Third, S. 215 is, when analyzed, essentially an indirect and cumbersome form of price control. In the canning industry competition and the interaction of a free market has resulted in the constant maintenance of reasonable prices. No basis exists for saddling upon this industry the proposed series of administrative controls, prescribed statutory delays, and barriers to the interaction of competitive forces in a free market.

For these reasons the Association is convinced that enactment of S. 215 would be a major disservice to the growers of canning crops, the canning industry, and the consumer. We strongly oppose the bill.

Very truly yours,

NORMAN SORENSSEN,
President

Status of Legislation

Agricultural trade development—H. R. 2420 (Poage of Texas), to authorize long-term supply contracts, and other bills to amend and extend P. L. 480 were the subject of public hearings by a House Agriculture Subcommittee April 21-22.

Clayton Act—S. 726 (Sparkman and others), to make all future orders of the FTC self-executing and to provide penalties of \$5,000 daily for violations of consent decrees, was passed by the Senate March 18. H. R. 2977 (Celler), a similar bill, is pending before the House Judiciary Committee.

Consumer expenditures—H. R. 4420 (Zablocki of Wis.), to authorize the FTC to conduct an investigation which would include a determination of what portion of consumer expenditures for food and other farm products is realized by the farmer, the processor, the distributor, and others, has been referred to the House Commerce Committee.

Co-op jurisdiction—H. R. 200 (Mason of Ill.), to transfer jurisdiction over cooperatives' pricing from USDA to the Justice Dept., has been referred to the House Judiciary Committee.

Co-op taxation—The Secretary of the Treasury has submitted a proposed draft of legislation designed to "ensure the ultimate payment of a single tax on cooperative income," but bills embodying the Administration recommendations have not been introduced.

Country Life Commission—Bills providing for the creation of a Country Life Commission, to make broad recommendations on the total development of country life, were considered by the House Family Farms Subcommittee May 6-7.

Crew leader registration—H. R. 5930 (Kearns of Pa.) and S. 1778 (Javits), to provide for registration of crew leaders in interstate agricultural employment (as recommended by the Labor Dept.), have been referred to the Labor Committee. N.C.A. opposes.

Fair trade—S. 1063 (Humphrey and Proxmire), to amend the Federal Trade Commission Act to authorize proprietors of trade-marked goods to control the resale prices of their distributors, has been referred to the Senate Commerce Committee. H. R. 1253 (Harris of Ark.), an identical bill, was approved by the House Commerce Committee May 14 and ordered reported, with amendments.

FDA artificial coloring—The Secretary of Health, Education, and Welfare has announced that the Department will support legislation designed to assist FDA in regulating the use

of artificial coloring in foods, drugs, and cosmetics, but bills for that purpose have not yet been introduced.

Federal pre-emption—H. R. 3 (Smith of Va.), to modify the doctrine of federal pre-emption in such a way that a state law would not be nullified by a federal law on the same subject unless the federal law so provided, was approved by the House Judiciary Committee May 12 and ordered reported.

S. 3, a similar bill, was the subject of a hearing by the Senate Judiciary Committee April 21. N.C.A. opposes application to food laws.

Food stamps—A number of bills designed to facilitate distribution of surplus foods to needy families have been introduced and referred to the Agriculture Committee. N.C.A. opposes.

Industrial uses—Bills to provide programs of research on industrial uses of agricultural commodities were the subject of public hearings by a House Agriculture Subcommittee Feb. 18-20, March 2-11, and April 21-23.

S. 690, to create an Agricultural Research and Industrial Administration within USDA, was reported by the Senate Agriculture Committee April 16.

Labor-management practices—S. 1555 (Kennedy-Cooper), to establish safeguards against improper practices in labor organizations and in labor-management relations, was passed by the Senate, with amendments, April 25 and was the subject of hearings by the House Labor Committee April 28-29, May 4-6, May 12-13 and 19-21; hearings continue May 26-29.

Marketing of potatoes—S. 17 (Smith of Maine), to prohibit the sale of potatoes of a lower grade than U. S. No. 2, under certain conditions, has been referred to the Senate Agriculture Committee.

Marketing of turkeys—S. 430 (Engle) and H. R. 1344 (Sisk of Calif.), to provide for controls on the marketing of turkeys, have been referred to the Agriculture Committee. N.C.A. opposes application to canning.

Marketing orders and parity—H. R. 642 (Sisk of Calif.), to authorize the Secretary of Agriculture to continue a marketing order in effect even after parity is reached, has been referred to the House Agriculture Committee.

Marketing order regions—H. R. 1070 (Ullman of Calif.), to authorize the issuance of marketing orders on any or all production or marketing areas, rather than on the smallest regional area, has been referred to the House Agriculture Committee.

Premerger notification—The Attorney General has recommended legislation requiring prior notification before corporate mergers and acquisitions where the capital involved is more than \$10 million. S. 442 (O'Mahoney-Kefauver), to require 60 days' notice prior to merger or acquisition

of corporations having total book value of \$10 million, was approved by the Senate Antitrust and Monopoly Subcommittee May 7 and was ordered reported, with amendments, to the Judiciary Committee.

Price increases—H. R. 4934 (McGovern of S. D.), to require advance notice and public justification before effectuating price increases in industries so heavily concentrated that monopoly or the threat of monopoly is present, has been referred to the House Judiciary Committee. S. 215 (O'Mahoney), a similar bill, was the subject of public hearings concluded by the Senate Antitrust and Monopoly Subcommittee May 5. N.C.A. opposes (see story, page 201).

H. R. 6293 (Reuss of Wis.), including a provision requiring the President to hold public hearings on prospective or actual price or wage increases which "appear to threaten national economic stability," was approved by a House Government Operations subcommittee April 9. N.C.A. opposes.

Raw product bargaining—H. R. 1793 (Bow of Mich.), to authorize collective bargaining between cooperative associations of producers or handlers and processors or other purchasers, has been referred to the House Judiciary Committee.

Robinson-Patman functional discounts—S. 315 (O'Mahoney) and H. R. 929 (Rogers of Colo.), to require price differentials to wholesalers and retailers according to the character of their selling (not their buying), have been referred to the Judiciary Committees.

Robinson-Patman good faith defense—H. R. 11 (Patman), to restrict the "good faith" defense against a charge of price discrimination, has been referred to the House Judiciary Committee. S. 11 was approved by the Senate Antitrust and Monopoly Subcommittee May 7 and ordered reported, without recommendation, to the Judiciary Committee. N.C.A. opposes (see story, page 200).

Unemployment compensation—H. R. 3547 (Karsten of Mo.) and other bills to amend the Social Security Act with respect to unemployment compensation, was the subject of public hearings by the House Ways and Means Committee April 7-16 and was considered in executive session May 13-14. N.C.A. opposes.

Wage-Hour—S. 1046 (Kennedy and others), which includes provisions to terminate the 7(b) (3), 7(c), and 13 (a) (5) exemptions, and other bills to curtail exemptions and raise the minimum wage are the subject of public hearings begun by the Senate Labor Subcommittee May 7. N.C.A. opposes changes in the exemptions (see story, page 191).

S. 1085 (McNamara and Clark), to provide minimum wage coverage for hired farm labor employed by large

farm enterprises, has been referred to the Senate Labor Committee.

S. 1874 (Stennis), to define the "area of production" by statute and to broaden the application of section 13(a) (10), has been referred to the Senate Labor Committee.

Waste disposal facilities—H. R. 322 (Byrnes of Wis.), to authorize rapid amortization of waste disposal facilities and treatment works, has been referred to the House Ways and Means Committee. N.C.A. supports.

FISHERIES LEGISLATION

Fisheries Assistance Act—A number of bills to provide a five-year program of assistance to depressed segments of the fishing industry were the subject of public hearings by a Senate Commerce Subcommittee April 1-2 and by the House Fisheries Subcommittee April 28-30.

Fisheries Cooperative Marketing Act—S. 23 (Smith), H. R. 2777 (McCormack of Mass.) and H. R. 3348 (Pelly of Wash.), to exempt fishery cooperatives from provisions of the antitrust laws, have been referred to the Senate Commerce Committee and the House MM&F Committee.

Fishermen's Protective Act—S. 971 (Magnuson), to amend the Fishermen's Protective Act of 1954 to broaden protection of U. S. vessels, has been referred to the Senate Commerce Committee.

Mortgage and loan insurance—S. 555 (Butler) and H. R. 3169 (Gar-

matz of Md.), to amend the Merchant Marine Act to provide mortgage and loan insurance on the cost of work in U. S. shipyards, have been referred to the Senate Commerce Committee and the House MM&F Committee.

Polluted shellfish—H. R. 1244 (Colmer of Miss.), to prohibit the importation of polluted shellfish, has been referred to the House Ways and Means Committee.

Salmon conservation—S. 502 (Bartlett-Gruening-Magnuson), to prohibit the importation of salmon taken by nationals of a country that permits gill netting at certain times and places, was the subject of public hearings by a Senate Commerce Subcommittee April 1-2 and May 4-5 and was considered in executive session May 13 but put over until the next Committee meeting.

H. R. 4293 (Pelly of Wash.), for the same purpose, was the subject of a hearing by the House Fisheries Subcommittee May 14.

Salmon predator—S. 1264, to extend and expand the program for the eradication of the dogfish shark on the Pacific Coast, was the subject of a hearing by the Senate Fisheries Subcommittee May 22.

Tuna quotas—H. R. 443 (Utt of Calif.), H. R. 447 (Wilson of Calif.) and H. R. 673 (Utt), to regulate the importation of tuna products, have been referred to the House Ways and Means Committee.

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